

REMARKS

An Abstract has been added to the specification.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-16 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, in that Claims 1 and 14 are drawn to a mathematical algorithm, per se.

Applicants believe that the Examiner is mistaken. In particular, the claimed invention includes a method and apparatus for forming a monaural signal from at least two audio input signals. While the steps of the method and the elements of the apparatus include summing, determining a correction factor and correcting the result of the summing, this is no reason to conclude that the claims are drawn to a mathematical algorithm per se. In particular, Applicants refer the Examiner to the "Examination Guidelines for Computer-Related Inventions" which states, on page 17:

"A process that merely manipulates an abstract idea or performs a purely mathematical algorithm is non-statutory despite the fact that it might inherently have some usefulness. For such subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. For example, a computer process that simply calculates a mathematical algorithm that models noise is non-statutory. However, a claimed process for digitally filtering noise employing the mathematical algorithm is statutory."

Further, on page 18, several examples of statutory process claims are shown. These examples include "A digital filtering process for removing noise from a digital signal comprising the steps of calculating a mathematical algorithm to produce a correction signal and subtracting the correction signal from the digital signal to remove the noise."

Applicants submit that the subject invention as claimed in claims 1 and 14 for forming a monaural signal from at least two input audio signals conforms to the digital filtering process description of a statutory process claim.

Applicants therefore believe that claims 1 and 14 are indeed statutory, and respectfully requests withdrawal of the 35 U.S.C. 101 rejection.

Applicants believes that this application, containing claims 1-16, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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